

TFC Contact No. 18-054-000
RFP No. 303-8-00009
American Facility Services
Amendment No. 1

**AMENDMENT NO. 1
TO THE
CONTRACT FOR
CUSTODIAL SERVICES
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND
AMERICAN FACILITY SERVICES**

THIS AMENDMENT NO. 1 is entered into by and between the Texas Facilities Commission (hereinafter referred to as "TFC"), a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701 and American Facility Services (hereinafter referred to as "Contractor"), located at 1325 Union Hill Industrial Court, Suite A, Alpharetta, Georgia 30004, enter into the following contract for custodial services at the Texas Commission on Environmental Quality (hereinafter referred to as "TCEQ") located at 12100 Park 35 in Austin, Texas, to amend the original Contract between the parties (hereinafter referred to as the "Contract").

WHEREAS, on or about August 3, 2017, the parties entered into that one certain *Contract for Custodial Services Between the Texas Facilities Commission and American Facility Services*; and

WHEREAS, TFC has determined to modify Section 1.6(a) of the Contract for administrative purposes; and

WHEREAS, subject to Contract Section 10.21, Entire Contract and Modification, such modification may only be effected by a written amendment to the Contract; and

WHEREAS, the Texas Legislature in the 85th Regular Legislative Session, enacted Senate Bill 252 effective September 1, 2017, relating to prohibiting governmental contracts with a company doing business with Iran, Sudan, or a foreign terrorist organization; and

WHEREAS, TFC has determined to modify the Contract so that it reflects that prohibition;

NOW, THEREFORE, the parties agree to amend the Contract as follows:

1. The parties hereby agree to modify ARTICLE I – STATEMENT OF WORK, SECTION 1.6 – MAINTENANCE AND DELIVERY RELEASES, by deleting subsection (a) in its entirety, and replacing it with subsection (a) as follows:

"(a) TFC may, from time to time, through a Work Order/Service Call request Contractor, as defined in Section 1.5 of this Contract, to complete additional custodial services. Such requests for services shall be documented through a separate document (hereinafter referred to as a "Delivery Release). Such Delivery Releases shall be subject to the terms and conditions set forth in this Contract, and shall include a description of the scope of services, schedule and term, and compensation specific to the Delivery Release which shall be negotiated at the time of such

2. The parties hereby agree to modify ARTICLE IX – CONTRACTOR GENERAL AFFIRMATIONS, by adding Section 9.15, Prohibition Against Contracting With Companies Engaged in Business with Iran, Sudan, or Foreign Terrorist Organizations, as follows:

In Witness Whereof, the parties hereto have made and executed this Amendment No. 1 to this Contract to be effective as of the date of the last party to sign.